

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.9738 OF 2015

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ORDER:

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This petition is filed by the petitioner-accused No.2 under Section 482 Cr.P.C. seeking to quash the proceedings against her in Crime No.113 of 2015 on the file of the Palakurthy Police Station, Warangal District, registered for the offence punishable under Sections 420, 504 and 506 r/w 34 IPC.

Heard and perused the material available on record.

The 1st respondent-complainant filed a private complaint stating that he entered into an agreement of sale with A1 in respect of an open land belonging to A1. He paid entire sale consideration and got registered a sale deed in his favour. While so, due to hike of prices of the lands, A1 with a malafide intention to grab the place sold sway to the 1st respondent and with the support of A2 hatched up a plan and created a new story that A1 is not having any legal right to sell away the said open place. A1 and A2 colluded and filed a suit for partition. When the 1st respondent went to the house of A1 in order to enquire about the suit, he grew wild and threatened him with dire consequences.

Learned Counsel for the petitioner submitted that there are civil disputes pending between the parties and that the allegation are civil in nature and that the learned Magistrate has referred the private complaint filed by the 1st respondent, on which basis the above crime was registered, without following the procedure under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to grant the relief sought by the petitioner. However, the 2nd respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioner. In the

event of necessity, the 2nd respondent-police are directed to issue a notice to the petitioner for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating officer and give an undertaking as to her future appearance as and when required by the investigating agency for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 30.3.2016

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DATED 30.3.2016

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